UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 June 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,5-14,16-18 and 20-53_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,5-14,16-18 and 20-53_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This Office Action is in response to amendment filed June 24, 2008. Claims 1-2, 5-14,

16-18, 20-53 are presented for further examination.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 5-14, 16-18, 20-53 are rejected under 35 U.S.C. 102(e) as being

anticipated by Tuli (US Patent 7,289,244 B2).

        As per claim 1, Tuli discloses a method comprising:

• Receiving a machine readable file containing a document that is to be served to a

   client for display on a client device, the organization of the documents in the file

   being expressed as a hierarchy of information (column 1, lines 44-50, column 2,

   lines 60-67, column 3, lines 1-7, column 5, lines 55-67, column 6, lines 1-5; Tuli

   teaches a host computer receiving a plurality of Webpages (document) to be sent to

   a portable device such as a PDA. All Webpages sent to the portable device creates

   a tree (hierarchy) with links between them);

- Deriving subdocuments from the hierarchy of information by deriving comprises

  traversing the hierarchy and assembling the subdocuments from segments, at least

  some of the subdocuments each being assembled from more than one of the

  segments, at least one of the subdocuments being expressed in a format that

  permits it to be served separately to the client, at least one to the subdocuments

  containing information that enables it to be linked to another one of the

  subdocuments (column 3, lines 55-60, column 4, lines 34-47, column 6, lines 41-55;

  Tuli teaches a Webpage (subdocument) is broken down into smaller portions or

  segments in order that a portable device having limited display, bandwidth, and

  memory can display the page to the user. Some segments are sent separately

  whereas some require that other segments be sent and displayed first. Individual

  Webpages (subdocument) can have links to other individual Webpages).

- Wherein the assembling of the subdocuments conforms to an algorithm that tends to

  balance the respective sizes of the subdocuments (column 1, lines 46-50, column 3,

  lines 5-15, column 4, lines 37-42; Tuli teaches compressing the Webpage

  (subdocument) to size that is proportional to be displayed on the portable device).

  As per claim 5, Tuli further discloses the method of claim 1 in which the

assembling conforms to an algorithm that tends to favor assembling each of the

subdocuments from the segments that have common parents in the hierarchy (column

6, lines 41-61).

As per claim 6, Tuli discloses the method of claim 1, in which the assembling conforms to an algorithm that tends to favor assembling each of the subdocuments from segments for which replications of nodes in the hierarchy is not required (column 6, lines 1-10).

As per claim 7, Tuli discloses the method of claim 1 in which the file is received from an origin server associated with the file (column 2, lines 56-67, column 3, lines 1-5).

As per claim 8, Tuli discloses the method of claim 7 in which the file is expressed in a language that does not organize segments of the document in a hierarchy, and the deriving of subdocuments includes first converting the file to a language that organized segments of the document in a hierarchy (columns 6, lines 1-18, 55-67, column 7).

As per claims 9, Tuli discloses the method of claim 1 also including serving the subdocuments to the client individually as requested by the client (column 4, lines 29-32).

As per claims 10, 18, 22, Tuli disclose the method of claims 9, 17, and 22 in which the subdocuments are served to the client using a hypertext transmission protocol (column 2, lines 35-45).

As per claim 11, Tuli discloses the method of claim 9 in which the subdocuments

are requested by the client based on contained information that enables it to be linked

to another of the subdocuments (column 5, lines 54-61).

As per claims 12, Tuli discloses the method of claim 1 also including

- Identifying a portion of the document that is to be displayed separately from the rest

  of the document (column 5, lines 9-12);

- The portion of the document that is to be displayed separately being excluded from

  the subdocument in which the portion would otherwise have appeared, the portion of

  the document that is to be displayed separately being included in at least

  one corresponding subdocument (column 5, lines 58-65);

- When the subdocument in which the portion would otherwise have appeared is served to the client

  embedding a graphical device that can be invoked by the user to retrieve the subdocument that in

  of the document that is to be displayed separately (column 3, lines 5-8).

As per claims 13, 37-39 Tuli discloses a method, apparatus, and machine-readable

program stored on a machine-readable medium comprising:

- Receiving, from an origin server, a machine readable file containing a document that

  is to be served to a client for display on a client device, the file being expressed in a

  language that does not organize segments of the document in a hierarchy (column

  1, lines 44-50, column 2, lines 60-67, column 3, lines 1-7, column 5, lines 55-67,

  column 6, lines 1-5);

- Converting the file to a language that organizes segments of the document in a

  hierarchy (column 6, lines 1-18, 54-64);

- Traversing the hierarchy and assembling subdocuments from the segments, at least

  some of the subdocuments each being assembled from more than one of the

  segments, the assembling conforming to an algorithm that tends to (a) balance the

  respective sizes of the sub-documents, (b) favor assembling each of the

  subdocuments from segments that have common parents in the hierarchy, and (c)

  assemble the subdocuments from segments for which replications of nodes in the

  hierarchy is not required (column 1, lines 46-50, column 3, lines 5-15, 55-60, column

  4, lines 34-47, column 6, lines 41-55).

- At least one of the subdocuments being expressed in a format that permits it to he

  served separately to the client, at least one of the subdocuments containing

  information that enables it to be linked to another one of the subdocuments (column

  5, lines 58-65);

- Serving the subdocuments to the client individually as requested by the client based

  on the contained information that enables it to be linked to another of the

  subdocuments (column 4, lines 29-32).

     As per claim 14, Tuli discloses a machine-readable document held on a storage

medium for serving to a client, the document being organized as a set of

subdocuments, subdocuments containing information that enables the subdocument to

be linked to another of the subdocuments, the information enabling the subdocument to

be linked comprising a URL, the subdocuments comprising an assembly of segments of

the document that are a part of a hierarchical expression of the document, the

subdocuments being of approximately the same size (column 1, lines 46-50, column 3,

lines 5-15, 55-60, column 4, lines 34-47, column 6, lines 41-55).

As per claims 17, 21, 50, Tuli discloses a methods comprising:

• Receiving from a client a request for a document to be displayed on a client device

   (column 5, lines 54-61);

• Serving separately to the client a subdocument that represents less than all of the

   requested document, the subdocument containing information that links it to at least

   one other subdocument (column 5, lines 58-65);

• Receiving from the client an invocation of the link to the other subdocument, and

   serving separately to the client device the other subdocument (column 4, lines 29-

   32);

• The subdocuments being of essentially the same length (column 1, lines 46-50,

   column 3, lines 5-15, column 4, lines 37-42).

As per claim 23, Tuli does not explicitly disclose the method of claim 21 in

which the request of the user is expressed as a URL (column 2, lines 64-66).

As per claim 24, Tuli discloses the method of claim 21 in which all of each of the

subdocuments is displayed at one time on the client device (column 6, lines 58-65).

As per claim 25, Tuli discloses the method of claim 21 in which less than all of each of the subdocuments is displayed on the client device at one time (column 4, lines 33-40).

As per claim 26, Tuli disclose a method comprising:

- Displaying a subdocument of a document on a client device (column 5, lines 34-40);

- displaying an icon with the subdocument (column 4, lines 20-25);

- in response to invocation of the icon, fetching another subdocument of the document from a server (column 5, lines 58-60)

- displaying the other subdocument on the client device (column 5, lines 58-65);

- the subdocument being less than the entire document, the subdocuments being of approximately the same size (column 1, lines 46-50, column 3, lines 5-15, 55-60, column 4, lines 34-47, column 6, lines 41-55).

As per claim 27, Tuli discloses the method of claim 26 in which only a portion of each of the subdocuments is displayed at one time (column 5, lines 8-12).

As per claim 28, Tuli discloses the method of claim 27 also including displaying an indication of the position of the currently displayed subdocument in a series of subdocuments that make up the document (column 5, lines 25-30).

As per claim 29, Tuli discloses the method of claim 28 in which the indication includes the total number of subdocuments in the series and the position of the currently displayed document in the sequence (column 5, lines 33-40).

As per claim 30, Tuli discloses the method 1, 17, or 21 in which the subdocuments are derived from the document at the time of a request from the client device for the document (column 5, lines 1-3, 15-20).

As per claim 31, Tuli discloses the method of claim 30 in which the subdocuments are derived in a manner that is based on characteristics of the client device (column 4, lines 33-37)

As per claims 32-33, Tuli discloses the method of claim 31 in which the characteristics of the client device are provided by the client in connection with the request (column 4, lines 19-25).

As per claim 34-36, Tuli discloses method of claim 1, 17, or 21, in which the subdocuments are derived from the document before the client requests the document from the server (column 3, lines 1-5).

As per claim 40, Tuli discloses the method of claim 7 in which the file comprises an electronic document (column 3, lines 55-58).

As per claim 41, Tuli discloses the method of claim 7 in which the file comprises an email file (column 2, lines 56-65).

As per claim 42, Tuli discloses the method of claim 7 in which the file is received from the origin sever in the form of a webpage (column 2, lines 57-67).

As per claim 43, Tuli discloses the apparatus of claim 37 in which the network server is configured to derive the subdocuments by traversing the hierarchy and assembling the subdocuments from segments, at least some of the subdocuments each being assembled from more than one of the segments (column 6, lines 41-50)

As per claim 44, Tuli discloses the apparatus of claim 37, in which the file is received from an origin server associated with the file (column 3, lines 1-5).

As per claim 45, Tuli discloses the apparatus of claim 44 in which the file is expressed in a language that does not organize segments of the document in a hierarchy, and the network server deriving the subdocuments includes first converting the file to a language that organized segments for the document in a hierarchy (columns 6, lines 1-18, 55-67).

As per claim 46, Tuli discloses the apparatus of claim 37, in which the network server is also configured to server the subdocuments to the client individually as requested by the client (column 5, lines 15-25).

As per claim 47, Tuli discloses the apparatus of claim 37 in which the

subdocuments are of essentially the same length (column 1, lines 46-50, column 3,

lines 5-15, 55-60, column 4, lines 34-47, column 6, lines 41-55).

As per claim 48, Tuli discloses the machine-readable program of claim 39 in which

the machine-readable program is capable of configuring the machine to derive the

subdocuments by the traversing the hierarchy and assembling the subdocuments from

the segments, at least some of the subdocuments each being assembled from more

than one of the segments (column 6, lines 41-45).

As per claim 49, Tuli discloses the machine-readable program of claim 39 in which

the machine-readable program is capable of configuring the machine to also server the

subdocuments to the client individually as requested by the client (column 3, lines 55-

60).

As per claim 51, Tuli discloses the apparatus of claim 50 in which the client device is

configured to receive and display subdocuments that have been derived from a

document in a manner that is based on characteristics of the client device, the client

device having provided the characteristics in connection with a request (column 4, lines

33-38).

As per claim 52, Tuli discloses the apparatus of claim 50 in which the client device is

configured to receive and display subdocuments that have been derived from a

document in a manner that is based on characteristics of the client device, the

characteristics including at least one display capability of the client device (column 3,

lines 40-50).

As per claim 53, Tuli discloses the apparatus of claim 50 in which the client device

comprises a mobile phone or personal digital assistant (column 2, lines43-50).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuli (US

Patent 7,289,244 B2) in view of Borger et al. (hereinafter "Borger", US Patent

Publication 2002/0123334 A1).

As per claims 2, 16, Tuli does not explicitly discloses the method of claim 1 in which the

hierarchical expression language comprises extensible mark-up language (XML)

(column 7, lines 56-67).

However, the use and advantages of using XML is well-known to one of ordinary skill in

the art as evidenced by Borger (paragraphs [0003, 0048]).

Therefore, one of ordinary skill in the art at the time the invention was made would

have found it obvious to implement or incorporate Borger's XML enabling other formats

of web documents to be viewed.

Response to Arguments

The Office notes the following argument(s):

(a) Cited reference Tuli ('244) claims priority to US Patent 7,068,381. Much of the

subject matter cited in Office Action from Tuli ('244) is not supported in 7,068,381 and

therefore is not prior art.

(b) Specifically, Tuli ('244) as corresponding to the claimed feature <u>assembling</u>

<u>subdocuments from segments conforming to an algorithm that tends to balance the</u>

<u>respective sizes of the subdocuments</u> is not supported in US Patent 7,068,381.

(c) Even if supported, Tuli ('244) does not teach assembling subdocuments from

segments conforming to an algorithm that tends to balance the respective sizes of the

subdocuments.

In response to:

5.   Applicant's arguments filed have been fully considered but they are not

persuasive.

(a)-(b)   Tuli ('244) is cited for teaching portions of webpages are captured, reduced

in color depth, compressed and sent to the portable device in order that it may be

displayed. The compression is done using a loss-less method of compression by

software implementing G3 or G4 methods. The image or webpage is reduced to equal the size or proportional to the size of the receiving portable device (column 1, lines 46-50, column 3, lines 5-20, column 4, lines 37-43).

This is also taught in US Patent 7,068,381 as shown in (column 1, lines 29-35, column 2, lines 12-33).

Therefore, Tuli ('244) is prior art against the claimed invention.

(c) Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Barbara N Burgess/   Barbara N Burgess
Examiner, Art Unit 2157   Examiner
                                                        Art Unit 2157
August 30, 2008

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157